



AF SFW

PATENT APPLICATION  
MO-6418  
MD01-49-PU

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF	)	
	)	GROUP NO.: 1711
JAN L. R. CLATTY	)	
	)	
SERIAL NUMBER: 09/876,778	)	EXAMINER:
	)	JOHN M. COONEY
FILED: JUNE 7, 2001	)	
	)	
TITLE: POLYURETHANE FOAMS HAVING	)	
IMPROVED HEAT SAG AND A	)	
PROCESS FOR THEIR	)	
PRODUCTION	)	

REPLY BRIEF

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

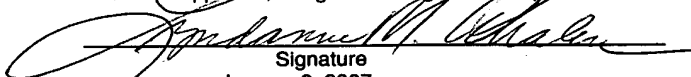
Sir:

The Examiner's Answer dated November 1, 2006 has been received and its contents noted. The following is in response thereto.

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail in an  
enveloped addressed to: Commissioner for Patents,  
Alexandria, VA 22313-1450 January 3, 2007  
Date

Lyndanne M. Whalen, Reg. No. 29,457

Name of applicant, assignee or Registered Representative

  
Signature

January 3, 2007

Date

### REMARKS

The Examiner has criticized Appellant's comparative showings on the basis that they are not commensurate in scope with their claims.

Appellant would point out however; that the Kurth reference clearly teaches that **only** soy based polyols should be used. Kurth does not disclose a single blend of a soy based polyol with another type of polyol. Nor does Kurth teach or suggest that there would be any advantage to using a combination of the soy based polyols disclosed therein with any other type of polyol, much less a polyether polyol satisfying the criteria of Appellant's claimed invention.

Appellant has compared her claimed invention to the closest prior art.

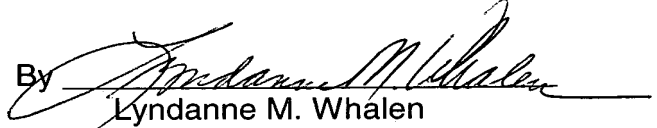
The Examiner has cited **no** authority to support his position that a polyol within the scope of Appellant's component b) but different from those exemplified in Appellant's application and the Clatty Declaration would fail to produce a rigid closed cell foam.

The Examiner's argument with respect to the inadequacy of Appellant's showing is based solely upon unsupported speculation.

A proper rejection under 35 U.S.C. §103 must, however, be based on fact.

For this reason and those given in her Appeal Brief, Appellant continues to maintain that the Examiner's rejection is in error and respectfully requests that this rejection be reversed and that Claims 1-7 be allowed.

Respectfully submitted,

By   
Lyndanne M. Whalen  
Attorney for Appellant(s)  
Reg. No. 29,457

Bayer MaterialScience LLC  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741  
(412) 777-3843  
FACSIMILE PHONE NUMBER:  
(412) 777-3902

f:\shared\kpl\lmw\MO6418.rbr